THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO.21057 of 1998

DATED: 22.08.2007

Between:-

M.Kondaiah.

...

PETITIONER
AND

The director of Sugar & cane, Commissioner of A.P. Hyderabad & others.

...

RESPONDENTS

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21057 of 1998

O R D E R

Sri V.S.R.Murthy, learned counsel for the petitioner, submits that the question which arises for consideration in this writ petition is whether the petitioner, an accountant, is entitled to continue till he reaches the age of 60 or 58 years. Learned counsel would place reliance on a Division Bench judgment dated 29-03-1997, wherein this Court held that no amendment to any bye-law, law or statute would have retrospective effect unless specifically implied or expressed in the amendment and that there was nothing to indicate in the bye-law that it was intended to be made retrospective and that such a bye-law could never effect or operate on the age of superannuation of the petitioner at 60 years regarding which he was been given the benefit under the existing bye-law till the date of amendment. This Court quashed the impugned order of termination and allowed the writ petition.

Sri V.S.R.Murthy, learned counsel for the petitioner, would submit that in view of the interim orders passed by this Court in W.P.M.P.No.25238 of 1998 dated 29-07-1998, which was extended on 21-08-1998 and 11-09-1998, petitioner continued in service till he attained the age of 60 years and retired thereafter. Since there is no pension scheme in the respondents and since the petitioner had worked during the period between 58 and 60 years, no further orders are necessary in this writ petition.

Recording the submission of the learned counsel and inasmuch as no further orders are necessary, the writ petition is closed.

_____

22.08.2007

usd